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SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,726	10/19/2001	Edward J. Shoen	57111-5120	3972

7590 03/12/2004

JEFFER, MANGELS, BUTLER & MARMARO LLP
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LOS ANGELES, CA 90067

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,726

Applicant(s) *SW*

SHOEN ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9, 6/20/2003</u> | 6) <input type="checkbox"/> Other: _____ |

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(www.homestore.com) for consumers to access and purchase self-moving services online. Homestore.com further discloses:

- Process an originating transaction: rent a truck (Item: U, see page 3); answering questions (e.g. personal, house, and destination) online to receive competitive bids (please note examiner's interpretation: the consumer is in control of the purchasing process by having moving services bid for business) (Item: V, page 2).
- Accessing content describing an auxiliary service: moving services (Item: U, page 3)
- Processing a secondary transaction for the auxiliary service (accepting payment): purchasing moving services directly over the Internet; booking moving services online with a credit card (Item: V, page 2).
- Online advertising: e.g. Ryder Save 10% advertisement (Item: U, page 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The abstract of the disclosure is objected to because the Abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-5, 10, and 18-19 are rejected under 35 USC 102(b) as being anticipated by Homestore.com (a collection of prior art regarding Homestore.com cited in PTO-892, Items: U-V).**

Homestore.com teaches all the limitations of Claims 1-5, 10, and 18-19. For example, Homestore.com discloses methods of a web marketplace

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- 4. Claims 6-9 are rejected under 35 USC 103(a) as being unpatentable over Homestore.com (a collection of prior art regarding Homestore.com cited in PTO-892, Items: U-V), in view of Official Notice (regarding moving services).**

Homestore.com teaches all the above as noted under the 102(b) rejection and teaches a renter's resources checklist for movers, but do not disclose specific items on the checklist. This examiner takes the position that it is old and well-known to one of ordinary skill to ascertain the need for services associated with the current location (e.g. garbage removal, painting, carpet cleaning, landscaping for house or apartment, packing/unpacking, loading/unloading services) and services associated with the destination (e.g. reserving a hotel if new residence not available upon arrival). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose services in the mover's checklist as taught by Official Notice, in order to provide additional convenience to consumers, and thereby attract consumers to the service.

- 5. Claims 11, 15-17, and 20-21 are rejected under 35 USC 103(a) as being unpatentable over Homestore.com (a collection of prior art regarding Homestore.com cited in PTO-892, Items: U-V), in view of Shkedy (patent number 6,260,024).**

Homestore.com teaches methods of a web marketplace (www.homestore.com) for consumers to access and purchase self-moving services online. Homestore.com further teaches:

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- Process an originating transaction: rent a truck (Item: U, see page 3); answering questions (e.g. personal, house, and destination) online to receive competitive bids (please note examiner's interpretation: the consumer is in control of the purchasing process by having moving services bid for business) (Item: V, page 2).
- Accessing content describing an auxiliary service: moving services (Item: U, page 3)
- Processing a secondary transaction for the auxiliary service (accepting payment): purchasing moving services directly over the Internet; booking moving services online with a credit card (Item: V, page 2).
- Online advertising: e.g. Ryder Save 10% advertisement (Item: U, page 3).
- Multiple Services: e.g. rent a truck online, save 10% or more with Ryder TRS truck rental, find a perfect job, store possessions before or after you move (Item: U, page 3).

Consumer Escrow Account; Administration

Homestore.com teaches all the above as noted under the 103(a) rejection and further teaches a) Homestore.com acquiring iMove.com, and b) iMove.com aspiring to automate the moving process in much the same way that airlines have adopted technology to expedite reservations (Item: V, page 2), but do not disclose an escrow service with a first account. Shkedy teaches a buyer-driven method of purchasing goods or services (e.g. airline tickets, hotel rooms) through an administrator acting on behalf of sellers (see at least abstract; Fig. 1(16, 220);

col. 3, lines 39-57; col. 13, lines 20-23). Shkedy teaches an online payment system that involves the use of an escrow account associated with the consumer (first account) wherein funds advanced by the consumer to cover a purchase can be kept pending delivery by the selected seller, wherein timing of the payment to selected seller's account can be varied (see at least Fig. 2 (299); col. 6, lines 58-63; col. 11, lines 18-20). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Homestore.com to provide an escrow account for the consumer as taught by Shkedy, in order to withhold consumer payment to the seller until goods or services are rendered, and thereby attract consumers to the service desiring to minimize purchase risk.

Releasing funds to seller using a confirmation number; Administration

Homestore.com teaches all the above as noted under the 103(a) rejection but does not disclose a confirmation number to activate the transfer of funds. Shkedy teaches all the above as noted under the 103(a) rejection and further teaches the administrator issuing a confirmation number confirming completed transactions resulting in the release of funds to the seller's account (see at least col. 10, lines 47-52; col. 20, lines 10-20). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Homestore.com to release funds to the seller using a confirmation number as taught by Shkedy, in order to accurately process the seller's request, and thereby attract sellers to the service.

Pertaining to system Claims 20-21, Shkedy teaches computer processors and computer readable memory (see at least Fig. 2 (205, 215, 220, 230, 240, 250)) and are rejected based on the same rationale as noted above.

- 6. Claims 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Homestore.com (a collection of prior art regarding Homestore.com cited in PTO-892, Items: U-V) and Shkedy (patent number 6,260,024), as applied to Claim 11, further in view of PR Newswire (PTO-892, Item: W).**

Homestore.com and Shkedy teach all the above as noted under the 103(a) rejection, but do not disclose conducting a survey with customers. PR Newswire teaches Travelscape.com earning top marks from BizRate.com who surveyed customers purchasing from Travelscape.com's web site. Feedback from customers comprised ten attributes including making reservations, travel planning, and prices (Item: W, see pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to conduct surveys as taught by PR Newswire, in order to ascertain on-going requirements for improvement based on survey results, and thereby attract consumers and sellers to the service.

- 7. Claim 14 is rejected under 35 USC 103(a) as being unpatentable over Homestore.com (a collection of prior art regarding Homestore.com cited in**

PTO-892, Items: U-V) and Shkedy (patent number 6,260,024), as applied to Claim 11, further in view of Official Notice (regarding moving services).

Homestore.com and Shkedy teach all the above as noted under the 103(a) rejection and teach a renter's resources checklist for movers, but do not disclose specific items on the checklist. This examiner takes the position that it is old and well-known to one of ordinary skill to ascertain the need for services associated with the current location (e.g. garbage removal, painting, carpet cleaning, landscaping for house or apartment, packing/unpacking, loading/unloading services) and services associated with the destination (e.g. reserving a hotel if new residence not available upon arrival). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose services in the mover's checklist as taught by Official Notice, in order to provide additional convenience for the consumer, and thereby attract consumers to the service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.


Robert M. Pond
Patent Examiner
March 8, 2004

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 10/19/01 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. **DRAWINGS.** 37 CFR 1.84(a). Acceptable categories of drawings. Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) _____
☐ Pencil and non black ink not permitted. Fig(s) _____

2. **PHOTOGRAPHS.** 37 CFR 1.84(b)

☐ 1 full-tone set is required. Fig(s) _____
☐ Photographs may not be mounted. 37 CFR 1.84(c)
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
☐ Poor quality (half-tone). Fig(s) _____

3. **TYPE OF PAPER.** 37 CFR 1.84(c)

☐ Paper not flexible, strong, white, and durable. Fig(s) _____
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

4. **SIZE OF PAPER.** 37 CFR 1.84(f). Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or
 21.6cm by 27.9cm (8 1/2x 11 inches)
☐ All drawing sheets not the same size. Sheet(s) _____
☐ Drawings sheets not an acceptable size. Fig(s) _____

5. **MARGINS.** 37 CFR 1.84(g). Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
☒ Margins not acceptable. Fig(s) A-11
☒ Top (T) ☒ Left (L)
☒ Right (R) ☐ Bottom (B)

6. **VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly. Fig(s) _____

7. **SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. **ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. **SCALE.** 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. **CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)

☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1A-G

11. **SHADING.** 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) _____
☐ Solid black shading not permitted. Fig(s) _____

12. **NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

☒ Numbers and reference characters not plain and legible. Fig(s) 1A-G
☒ Figure legends are poor. Fig(s) 1A-G
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____

☒ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) 1A-G

13. **LEAD LINES.** 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) _____

14. **NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(r)

☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____

15. **NUMBERING OF VIEWS.** 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. **DESIGN DRAWINGS.** 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) _____
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

Reviewer Taney

If you have questions, call (703) 305-8404

Date 3/5/04

Attachment to Paper No. _____

FORM PTO 1449 (modified)

ATTY DOCKET NO. 57111-5120

SERIAL NO. 10/05/01

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

APPLICANT: Edward J. Shoen, et al.

FILING DATE: October 19, 2001

Date Submitted to PTO: June 16, 2003

RECEIVED
JUN 20 2003
GROUP 3600
GROUP ART UNIT: 3627

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>Ref</i>	6,101,477	8/8/2000	Hohle, et al.	705	1	
	6,233,163	4/24/2001	Van Luchene	705	1	
	6,298,331	10/2/2001	Walker et al.	705	1	
	5,732,398	3/24/1998	Tagawa	705	5	
	5,832,451	11/3/1998	Flake et al.	705	5	
	5,864,818	1/26/1999	Feldman	705	5	
	5,946,660	8/31/1999	McCarty et al.	705	5	
	5,973,619	10/26/1999	Paredes	705	5	
	5,953,706	9/14/1999	Patel	705	6	
	5,890,137	3/30/1999	Koreeda	705	26	
	5,950,172	9/7/1999	Klingman	705	26	
	6,049,777	4/11/2000	Sheena et al.	705	26	
	6,055,513	4/25/2000	Katz et al.	705	26	
	6,064,980	5/16/2000	Jacobi et al.	705	26	
	6,064,981	5/16/2000	Barni et al.	705	26	
	6,070,148	5/30/2000	Mori et al.	705	26	
	6,070,149	5/30/2000	Tavor et al.	705	26	
	6,085,177	7/4/2000	Semple et al.	705	26	
	6,092,053	7/18/2000	Boesch et al.	705	26	
	6,104,482	8/8/2000	DiAngelo et al.	705	26	
	6,196,458	3/6/2001	Walker et al.	705	26	
	6,219,653	4/17/2001	O'Neil et al.	705	26	
	6,246,996	6/12/2001	Stein et al.	705	26	
	6,317,723	11/13/2001	Walker et al.	705	26	
	5,576,951	11/19/1996	Lockwood	705	27	
	5,895,454	4/20/1999	Harrington	705	27	
	5,999,914	12/7/1999	Blinn et al.	705	27	
	6,016,504	1/18/2000	Arnold et al.	705	27	
	6,041,310	3/21/2000	Green et al.	705	27	
	6,308,160	10/23/2001	Rex	705	27	
	6,317,722	11/13/2001	Jacobi et al.	705	27	

EXAMINER

DATE CONSIDERED

3/5/04

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

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